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GOVERNMENT OF KERALA
1968

Reg. No. K. 107

KERALA GAZETTE

EXTRAORDINARY

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Vol. XIII] Trivandrum, Thursday, 22nd February 1968 / 3rd Phalguna 1889 [No. 47

GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 12135-H2|67| Law. *Dated, Trivandrum, 22nd February 1968/ 3rd Phalguna, 1889.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 21st day of February, 1968.

By order of the Governor,

P. K. LAKSHMANAN,
Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1968

ACT 5 OF 1968

THE MADRAS PRESERVATION OF PRIVATE FORESTS (AMENDMENT) ACT, 1968

An Act further to amend the Madras Preservation of Private Forests Act, 1949.

Preamble.—WHEREAS it is expedient further to amend the Madras Preservation of Private Forests Act, 1949, for the purpose hereinafter appearing;

BE it enacted in the Nineteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Madras Preservation of Private Forests (Amendment) Act, 1968.

2. *Amendment of section 1.*—In sub-section (3) of section 1 of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), for the figures, letters and word "31st December, 1967", the figures, letters and word "31st December, 1968" shall be substituted.

3. *Repeal and saving.*—(1) The Madras Preservation of Private Forests (Amendment) Ordinance, 1967 (10 of 1967), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), as amended by the said Ordinance shall be deemed to have been done or taken under the said Act as amended by this Act as if this Act had come into force on the 30th day of December, 1967.

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GOVERNMENT OF KERALA

LAW DEPARTMENT

NOTIFICATION

No. 12194-H4|67|Law. *Dated, Trivandrum, 22nd February, 1968|*
3rd Phalguna, 1889.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 21st day of February, 1968.

By order of the Governor,

P. K. LAKSHMANAN,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1968.

ACT 6 OF 1968

THE REQUISITIONING AND ACQUISITION OF PROPERTY (AMENDMENT) ACT, 1968

An Act further to amend the Requisitioning and Acquisition of Property Act, 1955.

Preamble.—WHEREAS it is expedient further to amend the Requisitioning and Acquisition of Property Act, 1955, for the purpose hereinafter appearing;

BE it enacted in the Nineteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Requisitioning and Acquisition of Property (Amendment) Act, 1968.

2. *Amendment of section 1.*—In sub-section (3) of section 1 of the Requisitioning and Acquisition of Property Act, 1955 (1 of 1956), for the words "twelve years", the words "eighteen years" shall be substituted.

3. *Repeal and saving.*—(1) The Requisitioning and Acquisition of Property (Amendment) Ordinance, 1968 (1 of 1968), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Requisitioning and Acquisition of Property Act, 1955 (1 of 1956), as amended by the said Ordinance shall be deemed to have been done or taken under the said Act as amended by this Act as if this Act had come into force on the 11th day of January, 1968.

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GOVERNMENT OF KERALA

LAW DEPARTMENT

NOTIFICATION

No. 14891-H4|67|Law. *Dated, Trivandrum, 22nd February, 1968|*
3rd Phalguna, 1889.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 21st day of February, 1968.

By order of the Governor,

P. K. LAKSHMANAN,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1968.

ACT 7 OF 1968

THE INDIAN REGISTRATION (KERALA AMENDMENT) ACT, 1968

An Act further to amend the Indian Registration Act, 1908, in its application to the State of Kerala.

Preamble.—WHEREAS it is expedient further to amend the Indian Registration Act, 1908, in its application to the State of Kerala, for the purposes hereinafter appearing;

BE it enacted in the Nineteenth Year of the Republic of India as follows:—

1. *Short title and extent.*—(1) This Act may be called the Indian Registration (Kerala Amendment) Act, 1968.

(2) It extends to the whole of the State of Kerala.

2. *Amendment of section 17.*—In sub-section (2) of section 17 of the Indian Registration Act, 1908 (Central Act 16 of 1908) (hereinafter referred to as the principal Act), clauses (ix) and (x) shall be omitted.

3. *Amendment of section 19.*—In section 19 of the principal Act, the words "and also by a true copy" shall be omitted.

4. *Insertion of new section 19A.*—After section 19 of the principal Act, the following section shall be inserted, namely:—

"19A. *Documents presented for registration to be accompanied by true copies thereof.*—(1) No document shall be accepted for registration unless it is accompanied by a true copy thereof.

(2) The true copy referred to in sub-section (1) shall be neatly handwritten, printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf.".

5. *Amendment of section 45.*—In section 45 of the principal Act,—

(a) in sub-section (1), for the words, letters and figure "cause the contents thereof to be copied into his Book No. 3", the words, letters and figure "cause a true copy of the contents thereof to be made and filed in his Book No. 3" shall be substituted;

(b) in sub-section (2), for the words "copy has been made", the words "true copy has been filed" shall be substituted.

6. *Amendment of section 46.*—In sub-section (2) of section 46 of the principal Act,—

(a) for the words "unless the will has been already copied", the words "unless a true copy of the will has already been filed" shall be substituted;

(b) for the words, letters and figure "cause the will to be copied into his Book No. 3", the words, letters and figure "cause a true copy of the will to be made and filed in his Book No. 3" shall be substituted.

7. *Amendment of section 51.*—In section 51 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) In Book 1 shall be filed—

(i) true copies of all documents; and

(ii) all memoranda,

registered under sections 17, 18 and 89 which relate to immovable property, and are not wills.";

(b) in sub-section (3), for the words "entered all documents", the words "filed true copies of all documents" shall be substituted.

8. *Amendment of section 52.*—In section 52 of the principal Act, for clause (c) of sub-section (1), the following clause shall be substituted, namely:—

"(c) subject to the provisions contained in section 62, where a document is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission.".

9. *Amendment of section 54.*—In section 54 of the principal Act, for the words "copied, or filed a memorandum of,", the words "filed a true copy or memorandum of" shall be substituted.

10. *Amendment of section 55.*—In section 55 of the principal Act,—

(a) in sub-section (2), for the words "document entered or memorandum filed", the words "document of which a true copy, or a memorandum, is filed" shall be substituted;

(b) in sub-section (4), for the words "authority entered", the words "authority of which a true copy is filed" shall be substituted;

(c) in sub-section (5), for the words "document entered", the words "document of which a true copy is filed" shall be substituted.

11. *Amendment of section 60.*—In sub-section (1) of section 60 of the principal Act, for the words "the document has been copied",

the words "the true copy of the document has been filed" shall be substituted.

12. *Amendment of section 61.*—For sub-section (1) of section 61 of the principal Act, the following sub-section shall be substituted, namely:—

"(1) The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the true copy of the document presented along with the document, and the true copy of the map or plan (if any) mentioned in section 21 shall also be filed along with the true copy of the document.".

13. *Amendment of section 62.*—For sub-section (1) of section 62 of the principal Act, the following sub-section shall be substituted, namely:—

"(1) When a document is presented for registration under section 19, the translation together with the true copy of the document shall be filed in the appropriate book.".

14. *Amendment of section 78.*—Section 78 of the principal Act shall be renumbered as sub-section (1) of that section, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) The State Government may, if in their opinion it is necessary in the public interest so to do, by order published in the Official Gazette, remit the fees payable in respect of any of the matters enumerated in clauses (a) to (i) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons.".

15. *Amendment of section 81.*—In section 81 of the principal Act,—

(a) for the words "or registering of any document", the words ", registering, or filing a true copy, of any document" shall be substituted;

(b) for the words "or registers such document", the words ", registers, or files a true copy of, such document" shall be substituted.

16. *Amendment of section 82.*—In clause (b) of section 82 of the principal Act, for the words and figures "section 19 or section 21", the words "this Act or the rules made thereunder" shall be substituted.

17. *Amendment of section 89.*—In section 89 of the principal Act,—

(a) sub-sections (1) and (3) shall be omitted;

(b) after sub-section (4), the following sub-sections shall be inserted, namely:—

"(5) Every court passing—

(a) any decree or order creating, declaring, transferring, limiting or extinguishing any right, title or interest to or in immovable property in favour of or of any person, or

(b) an order for the attachment of immovable property or for the release of any immovable property from attachment,

shall send a copy of such decree or order together with a memorandum describing the property, as far as may be practicable in the manner required by section 21, to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such decree or order is situate, and such officer shall file the copy and memorandum in his Book No. 1.

(6) Every officer issuing a written demand before the attachment of the immovable property of a defaulter under the Revenue Recovery Act for the time being in force shall—

(a) send a copy of such written demand together with a memorandum describing the property, as far as may be practicable in the manner required by section 21; and

(b) where such written demand is withdrawn or attachment of the property is lifted or the property is sold and the sale is confirmed, send a memorandum indicating that fact and describing the property, as far as may be practicable in the manner required by section 21,

to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property to which the written demand relates is situate and such registering officer shall file the copy of the written demand and the memoranda in his Book No. 1.".

18. *Insertion of new section 89A.*—After section 89 of the principal Act, the following section shall be inserted, namely:—

"89A. *Power to make rules for filing of true copies of documents.*—(1) The State Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which true copies of documents shall be prepared; and

(b) the manner of filing of such copies.

(3) All rules made under this section shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

19. *Repeal and saving.*—(1) The Indian Registration (Kerala Amendment) Ordinance, 1967 (9 of 1967), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 1st day of January, 1968.

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EXTRAORDINARY

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GOVERNMENT OF KERALA

Food Department

NOTIFICATION

No. 22519|B3|67-3|Fd.D. *Dated, Trivandrum, 22nd February 1968.*

In exercise of the powers conferred by sub-sections (1) and (2) of Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) and of all powers enabling the Government of Kerala in this behalf read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food) No. G.S.R. 1111 dated the 24th July, 1967, published in the Gazette of India Extraordinary, Part II, Section 3, sub-section (i) dated the 24th July, 1967, as amended and with the prior concurrence of the Central Government, the Government of Kerala hereby make the following amendment to the Kerala Rice (Purchase by Levy) Order, 1966, namely:—

AMENDMENT

In the said Order, for clause 6, the following clause shall be substituted, namely:—

"6. *Powers of entry, search and seizure.*—(1) Any Officer of the Civil Supplies Department not below the rank of Rationing

Inspector, any Officer of the Revenue Department not below the rank of Revenue Inspector, any Police Officer not below the rank of Sub Inspector, any Panchayat Executive Officer, any Municipal Commissioner or any other Officer authorised by the District Collector in this behalf, may, with a view to securing compliance with the provisions of this Order or to satisfying himself that the said provisions have been complied with,—

(a) inspect any books of account or other document maintained by a licenced dealer or a licenced miller as well as any stocks of rice belonging to him or under his control;

(b) seize any such books of account or other document which in his opinion would be useful for, or relevant to any proceedings under this Order;

(c) require any person to give any information in his possession with respect to any undertaking or business for production or manufacture of rice or for purchase, sale or storage for sale of rice;

(d) stop and search any person, animal, vehicle, vessel or any other conveyance or receptacle which any of the authorities mentioned above has reason to believe is engaged for conveying rice delivered from a rice mill or from any other premises where rice belonging to a licenced dealer or licenced miller is stored and kept;

(e) enter and search any such rice mill or other premises where rice belonging to a licenced dealer or licenced miller is stored and kept; and

(f) seize the stock of rice in respect of which any of the authorities specified above has reason to believe that any provision of this Order has been, is being, or is about to be contravened, along with the packages, coverings, or receptacles in which such rice is found or the animals, vessels, vehicles or other conveyances used in carrying such rice and thereafter take all measures necessary for securing the production of the stock of rice along with the packages, coverings, receptacles, animals, vessels, vehicles or other conveyances so seized, before the appropriate Court and for their safe custody pending such production.

Explanation:

"Appropriate Court" in this sub-clause shall mean such court as is specified in or under the Essential Commodities Act, 1955 in which proceedings would lie for contravention of the provisions of this Order and shall also include the Collector of the District referred to in Section 6A of the Essential Commodities Act, 1955.

(2) The provisions of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) relating to search and seizure shall, so far as may be, apply to search and seizure under this clause.

(3) Where any of the authorities specified in sub-clause (1) effects any seizure under the said sub-clause, he shall prepare forthwith an inventory of the articles or materials seized and shall also issue a receipt for the same.

(4) Any books of accounts or other documents seized under the provisions of sub-clause (1) shall be returned to the person from whom they were seized not later than sixty days from the date of seizure, after taking copies thereof or extracts therefrom, if necessary, provided that the person from whom they are so seized after verification certifies as true such copies or extracts before taking back such books of accounts or other documents."

By order of the Governor,
M. Abdussalam,
Secretary to Government (Food).

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GOVERNMENT OF KERALA

Food Department

NOTIFICATION

No. 22519|B3|67-4|Fd.D. *Dated, Trivandrum, 22nd February 1968.*

In exercise of the powers conferred by sub-sections (1) and (2) of Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) and of all powers enabling the Government of Kerala in this behalf, read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food) No. G. S. R. 1111 dated the 24th July, 1967, published in the Gazette of India Extraordinary, Part II, Section 3, sub-section (1) dated the 24th July, 1967 as amended and with the prior concurrence of the Central Government, the Government of Kerala hereby make the following amendment to the Kerala Rice (Regulation of Movement) Order, 1966, namely:—

AMENDMENT

In the said Order, for clause 6, the following clause shall be substituted, namely:—

"6. *Powers of entry, search and seizure.*—(1) Any Officer of the Civil Supplies Department not below the rank of Rationing Inspector, any Officer of the Revenue Department not below the rank of Revenue Inspector, any Police Officer not below the rank of Head Constable,

any Panchayat Executive Officer, any Municipal Commissioner or any other Officer authorised by the District Collector in this behalf, may, with a view to securing compliance with the provisions of this Order or to satisfying himself that the said provisions have been complied with,—

(a) stop and search any person, animal, vessel or vehicle or any other conveyance or receptacle which has been used or is being used or is about to be used for the movement of rice;

(b) enter and search any premises where any of the authorities specified above has reason to believe that rice which is about to be moved or which is being moved or which has been moved in contravention of the provisions of this Order is stored or kept;

(c) seize the stock of rice in respect of which any of the authorities specified above has reason to believe that any provision of this Order has been, is being or is about to be contravened, along with the packages, coverings or receptacles in which such rice is found or the animals, vessels, vehicles, or other conveyances used in carrying such rice and thereafter take all measures necessary for securing the production of the rice along with the packages, coverings, receptacles, animals, vessels, vehicles or other conveyances so seized, before the appropriate Court and for their safe custody pending such production.

Explanation—

"Appropriate Court" in this sub-clause shall mean such Court as is specified in or under the Essential Commodities Act, 1955 in which proceedings would lie for contravention of the provisions of this Order and shall also include the Collector of the District referred to in Section 6A of the Essential Commodities Act, 1955.

(2) The provisions of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) relating to search and seizure shall, so far as may be, apply to search and seizure under this clause.

(3) Where any of the authorities specified in sub-clause (1) effects any seizure under the said sub-clause, he shall prepare forthwith an inventory of the articles or materials seized and shall also issue a receipt for the same."

By order of the Governor,

M. ABDUSSALAM,

Secretary to Government
(Food).

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GOVERNMENT OF KERALA

Food Department

NOTIFICATION

No. 22519|B3|C7-5|Fd.D.

Dated, Trivandrum, 22nd February 1968.

In exercise of the powers conferred by sub-sections (1) and (2) of Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) and of all powers enabling the Government of Kerala in this behalf read with the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food) No. G.S.R. 1111 dated the 24th July, 1967, published in the Gazette of India Extraordinary, Part II, Section 3, sub-section (i) dated the 24th July, 1967, as amended and with the prior concurrence of the Central Government, the Government of Kerala hereby make the following amendment to the Kerala Tapioca (Manufacture and Export Control) Order, 1966, namely:—

AMENDMENT

In the said Order, for clause 9, the following clause shall be substituted, namely:—

"9. **Powers of entry, search and Seizure**—(i) Any officer of the Civil Supplies Department not below the rank of Rationing Inspector, any officer of the Revenue Department not below the rank of Revenue

Inspector, any Police Officer not below the rank of Sub Inspector, any Panchayat Executive Officer, any Municipal Commissioner, any officer of the Agricultural Income Tax and Sales Tax Department not below the rank of Inspector in charge of checkposts, or any other officer authorised by the District Collector in this behalf, may, with a view to securing compliance with the provisions of this Order or to satisfying himself that the said provisions have been complied with—

(a) inspect any books of accounts or other documents maintained in the course of business or any stock of tapioca in the possession or under the control of any person;

(b) seize any such books of account or other document which in his opinion would be useful for, or relevant to any proceedings under this order;

(c) stop and search any person, animal, vessel or vehicle, or any other conveyance or receptacle engaged or used or intended to be engaged or used for the export of tapioca;

(d) enter and search any premises or places where any of the authorities specified above has reason to believe that any stock of tapioca manufactured or intended to be manufactured or being exported or intended to be exported in contravention of the provisions of this Order is stored and kept;

(e) seize the stock of tapioca in respect of which any of the authorities specified above has reason to believe that any provision of this Order has been, is being or is about to be contravened, along with the packages, coverings or receptacles in which such tapioca is found or the animals, vessels, vehicles, or other conveyances used in carrying such tapioca and thereafter take all measures necessary for securing the production of the stock of tapioca along with the packages, coverings, receptacles, animals, vessels, vehicles, or other conveyances so seized, before the appropriate Court and for their safe custody pending such production.

Explanation:—

"Appropriate Court" in this sub-clause shall mean such Court as is specified in or under the Essential Commodities Act, 1955 in which proceedings would lie for contravention of the provisions of this Order and shall also include the Collector of the District referred to in Section 6A of the Essential Commodities Act, 1955.

(2) The provisions of the Code of Criminal Procedure 1898 (Central Act 5 of 1898) relating to search and seizure shall, so far as may be apply to search and seizure under this clause.

(3) Where any of the authorities specified in sub-clause (1) effects any seizure under the said sub-clause, he shall prepare forthwith an inventory of the articles or materials seized and shall also issue a receipt for the same.

(4) Any books of accounts or other documents seized under the provisions of sub-clause (1) shall be returned to the person from whom they were seized not later than sixty days from the date of seizure, after taking copies thereof or extracts therefrom if necessary, provided that the person from whom they are so seized certifies as true such copies or extracts before taking back such books or accounts or other documents."

By order of the Governor,

M. ABDUSSALAM,

Secretary to Government (Food).

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